IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2261 of 2007()

CRIME NO.72/2007 OF ADHUR POLICE STATION, KASARAGOD
CMP.1679/2007 of J.M.F.C.,KASARAGOD

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PETITIONERS:-

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1. S.M.MUHAMMED KUNHI,S/O.ABDUL KADER, JAMBA HOUSE,POVVAL,MULIYAR VILLAGE.

2. P.C.SALIM,S/O.P.C.ABOOBACKER,P.C MANZIL, POVVAL,MULIYAR VILLAGE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,ADHUR POLICE STATION,KASARGOD.

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSEUCUTOR,HIGH COURT OF KERLA,ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

B.A.No.2261 of 2007

Dated this the 17th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioners are accused Nos.1 and 2, in Crime No.72/2007 of Adhur Police Station, Kasaragod. The offence alleged against them are under Sections 143, 147, 148, 324, 326 and 308 of the Indian Penal Code read with Section 149 I.P.C.

3. The petitioners moved an application for bail before the Court of Judicial Magistrate of the First Class-I, Kasaragod, but the same was dismissed by the order dated 02/04/2007.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor. It is submitted by the learned

counsel for the petitioners that the petitioners are undergoing detention from 01/04/2007 and that there is no reason why they should not be released on bail. It is also stated that though they are described as accused Nos.1 and 2, they are really accused Nos.4 and 11. The learned Public Prosecutor submits that this statement made by the counsel for the petitioners, regarding the rank of the petitioners in the array of the accused, is correct. It is stated in the bail application that the wedding of the daughter of the first petitioner is scheduled to be held on 06/05/2007.

In the facts and circumstances of the case, I am inclined to grant bail to the petitioners. The petitioners shall be released on bail on condition that they execute a bond for Rs25,000/- each, with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class-I, Kasaragod.

(K.T.SANKARAN)
JUDGE

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